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FM AMEMBASSY TOKYO
TO SECSTATE WASHDC IMMEDIATE 4808
INFO AMEMBASSY BEIJING IMMEDIATE
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C O N F I D E N T I A L TOKYO 001540

SIPDIS

E.O. 12958: DECL: 06/05/2018
TAGS: PGOV ECON JA
SUBJECT: DPJ TO THROW UP CENSURE MOTION AT THE BUZZER

Classified By: Ambassador J. Thomas Schieffer, reasons 1.4(b),(d).

¶1. (C) Summary. The leadership of the opposition DPJ has reportedly decided to submit concurrently a censure motion in the Upper House and a no confidence motion in the Lower House against Prime Minister Yasuo Fukuda before the current Diet session ends on June 15. The impetus for the censure motion is the controversial new medical insurance system for the elderly. As in the past, Prime Minister Fukuda has indicated that he will take no action with respect to a Cabinet reshuffle or dissolution of the Lower House in response to this censure motion. Censure motions are nonbinding and have no legal effect. End summary.

¶2. (C) The main opposition Democratic Party of Japan (DPJ) has finally decided to submit a censure motion in the Upper House in response to the Japanese Government's new and controversial medical insurance system for the elderly, according to media reports June 5. This would be the first time the Upper House has ever passed a censure motion against a Prime Minister, although they have been passed against individual ministers and been introduced (and failed) against other Prime Ministers in the past. The DPJ would also submit concurrently a no confidence motion in the Lower House. Embassy Tokyo political and media contacts confirm the basis of those reports, but note that the opposition party leadership has yet to iron out all of the details. The DPJ has already submitted in the Upper House a bill to abolish the unpopular insurance plan, which increased the burden of payments for the elderly, but the measure has no chance of passing in the ruling party-controlled Lower House. The Diet session ends on June 15. Fukuda has once again dismissed the threat of a censure motion, telling the press during a trip to Rome: "I don't know whether they are serious or just doing it for show. There may be internal circumstances."

¶3. (C) The DPJ has threatened to use a censure motion on more than a half-dozen occasions since winning the largest number of seats in the Upper House in July 2007 -- including after passage of the law that authorized resumption of refueling efforts in the Indian Ocean in support of Operation Enduring Freedom, during deliberations on the road-related tax bills, upon failure of the government to meet its pledge to resolve missing pension accounts by its stated deadline, and in parallel with discussions on top appointments for the Bank of Japan. In every case, they have backed down, reluctant to exercise an untested option with potentially serious ramifications for deepening the political divide, turning off the electorate and impeding even minimal legislative progress

in addressing key pocketbook issues, such as pensions, medical care, and widening regional disparities. DPJ leader Ichiro Ozawa has also been wary of passing a measure that can be so easily ignored, Embassy contacts say.

¶4. (C) The rules regarding a Lower House no confidence motion are clearly laid out in the Constitution and the Diet Law, and require the Prime Minister to either dissolve the Lower House or resign with his entire Cabinet en masse in the event of passage. With the ruling coalition in control of 335 of 480 seats in the House of Representatives, however, a no confidence motion is certain to fail. An Upper House censure motion, on the other hand, is much more likely to succeed, with the DPJ voting bloc in direct control of 120 of 242 seats, and as many as 17 allies from the Social Democratic Party (SDP), Japan Communist Party (JCP), and independent ranks. Censure motions are not addressed in the Constitution, the Diet Law, or the Rules of the House of Councillors, but have been deemed to be the prerogative of the Upper House in the absence of provisions for a no confidence motion. (A true no confidence motion would be meaningless in the Upper House, given that it cannot be dissolved.)

¶5. (C) Embassy contacts and media reporting are in agreement that a censure motion is not binding on the Prime Minister and has no legal effect. The most it can probably do is allow the opposition parties effectively to shut down the Upper House by refusing to attend committee and plenary sessions. By law, neither House can conduct business with less than one-third of its members in attendance; one-half in the case of committees. There is no consensus on what effect, if any, it would have when the Diet is out of session, or when legislators return for the extraordinary session in the fall. DPJ leaders have acknowledged that the censure motion has no legal effect, but have cited its power to sway the public and to pressure Prime Minister Fukuda to step down or dissolve the Lower House. Prime Minister Fukuda, for his part, has made it clear all along that he will take no action in the face of a censure motion, and is much less likely to feel compelled to do so with the Diet out of session and no legislative agenda to press.

¶6. (C) In fact, most attention in Japan is already turning to the G-8 Summit, with vague predictions of cabinet shuffles and leadership changes pushed back to later in July or August, or sometime in the fall. Attention to the opposition is certain to be minimized during this period. The DPJ itself seems to have lost interest in forcing Fukuda to dissolve the Lower House some months ago, knowing that he would stand fast, rather than risk an election when his own popularity ratings and those of his party continued to slide. Instead, they seemed to have shifted their focus to forcing him to step down to make room for a more popular leader, one who might feel empowered enough to call a general election before the September 2009 deadline.

¶7. (C) In recent weeks, the siege mentality on both sides seems to have worn down somewhat, as the ruling and opposition parties have worked cooperatively to salvage some of the less contentious legislation during the remainder of the Diet session. Several news reports note that the DPJ leadership may be fearful of ending the session on an upbeat note, with joint passage of a much-awaited Civil Service Reform bill. At least one news report claimed that the censure motion at the end of the Diet session was intended to boost morale within the party and cement Ozawa's leadership, as the DPJ faces leadership elections in September and preparations for a general election within the next 16 months.

¶8. (C) Unconfirmed reports note concern among some DPJ executives that the opposition will be judged poorly by the public for not doing enough to respond to the medical insurance imbroglio. Passage of a censure motion at the end of the Diet session, however, could have the opposite effect, making the party seem ineffectual and weak. A survey by the Ministry of Health, Labor and Welfare released on June 4

showed that the burden of the increased insurance premium has fallen much heavier on poorer households, the exact opposite of what the government had claimed when it introduced the new pension deduction plan on April 15. Almost from the start, the Fukuda administration has been criticized for failing to think through policies carefully or explain them clearly to the public. Ruling party rejection of the opposition bill to abolish the new insurance scheme in the Lower House will end on a low note an already contentious Diet session.

SCHIEFFER